

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2016 MAY 23 A 10:04

CLERK OF DISTRICT COURT
ALEXANDRIA, VIRGINIA

ROSY GIRON DE REYES; JOSE
DAGOBERTO REYES; FELIX ALEXIS
BOLANOS; RUTH RIVAS; YOVANA
JALDIN SOLIS; ESTEBAN RUBEN MOYA
YRAPURA; ROSA ELENA AMAYA; and
HERBERT DAVID SARAVIA CRUZ,

Plaintiffs,

vs.

WAPLES MOBILE HOME PARK LIMITED
PARTNERSHIP; WAPLES PROJECT
LIMITED PARTNERSHIP; and A.J.
DWOSKIN & ASSOCIATES, INC.;

Defendants.

Civil Action No. 1:16cv563

**PLAINTIFFS FELIX ALEXIS BOLANOS, ESTEBAN RUBEN MOYA YRAPURA,
AND HERBERT DAVID SARAVIA CRUZ'S MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs Felix Alexis Bolanos, Esteban Ruben Moya Yrapura, and Herbert David Saravia Cruz (the "TRO Plaintiffs") hereby submit this motion for a temporary restraining order and preliminary injunction pursuant to Rule 65(b) of the Federal Rules of Civil Procedure. The TRO Plaintiffs seek an immediate order directing Defendants to refrain from enforcing an illegal rent increase for manufactured home lots at Waples Mobile Home Park in Fairfax, Virginia (the "Park"). The TRO Plaintiffs reside in homes they own at the Park and face substantial and imminent harm should the rent increase take effect.

The TRO Plaintiffs require temporary injunctive relief on or before June 5, 2016 to avoid hardship inflicted by the rent increases scheduled to take effect on June 1, 2016.¹ They cannot afford

¹ The TRO Plaintiffs' June rent payments will be due by June 5, 2016.

the sudden and illegal trebling of the “month-to-month premium” imposed by Defendants, and will suffer irreparable harm absent the requested relief. As detailed in the accompanying Memorandum, the TRO Plaintiffs will be forced to uproot their families’ lives, leave the homes into which they have poured hard-earned savings, and seek new housing—all as a direct result of Defendants’ plan to illegally and unilaterally increase the TRO Plaintiffs’ rent by nearly 45 percent.

The TRO Plaintiffs will likely prevail on the merits of their claim that the looming rent increase breaches their lease agreements due to violations of the Virginia Manufactured Home Lot Rental Act. The threatened injury to the TRO Plaintiffs far outweighs the minimal damage (if any) that a temporary injunction would cause the Defendants. The injunction would not be adverse to the public interest, but rather would support it.

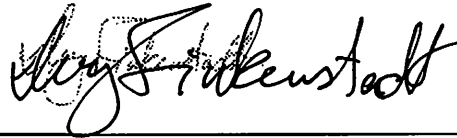
The TRO Plaintiffs file this Motion concurrently with their Complaint. The TRO Plaintiffs’ counsel will arrange for physical service of this Motion and the Complaint on May 23, 2016, or as soon thereafter as service can be perfected.

The TRO Plaintiffs respectfully request that the Court schedule a hearing on or before June 3, 2016, to permit a ruling on this Motion prior to Defendants’ June 5, 2016 deadline for the TRO Plaintiffs’ June rent payments.

For the foregoing reasons, and as set forth in the accompanying Memorandum, this Motion for Temporary Restraining Order and Preliminary Injunction should be granted.

DATED this 23rd day of May, 2016

Respectfully submitted,



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Benjamin Cain (motion for *pro hac vice* forthcoming)

Jongwook Kim (motion for *pro hac vice* forthcoming)

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that arrangements have been made to, on this date, serve a true and correct copy of the foregoing by hand delivery to the following parties, at the addresses below:

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9302 Lee Highway, Suite 300
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Waples Project Limited Partnership
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McLean, Virginia 22102
(Registered Agent for All Defendants)

Dated this 23rd day of May, 2016.



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